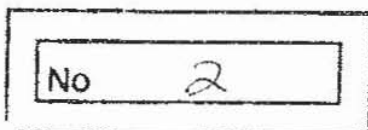
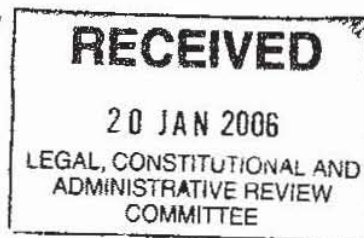


19 JAN 2006



Queensland
Government

Dr Lesley Clark MP
Chair
Legal, Constitutional and Administrative Review
Committee
Parliament House
George Street
BRISBANE QLD 4000



Department of
Education and the Arts

Dear Dr Clark

Thank you for your letter dated 1 December 2005 inviting my department to provide a submission to the Legal, Constitutional and Administrative Review Committee's (the Committee) review of the accessibility of freedom of information (FOI) and judicial review mechanisms in Queensland.

The five key issues on which the Committee has invited submissions are:

- FOI costs and charges
- the costs associated with proceedings under the Judicial Review Act and concerns about self-represented litigants
- access to government information about government decisions and actions
- whether a diversity of people can access administrative justice and
- resolution of genuine grievances about government decisions in an effective and timely way.

My department's areas of operation are such that the relatively small number of FOI applications lodged with it are predominantly from applicants seeking access to documents concerning their personal affairs. For the last reported year for the Freedom of Information Annual Report 2003-04:

- The Department received fewer than 2 percent of all FOI applications lodged with the State Government
- 67.2 percent of FOI applications were 'personal' and did not attract an application fee and
- 71 percent of all documentation considered in FOI applications concerned the personal affairs of the applicant and did not attract processing or photocopy charges.

My department has limited experience with judicial review actions arising from its decisions. Appendix B of the Committee's Discussion Paper lists 212 Supreme Court judgements in judicial review actions for the period 1 February 1995 to 31 October 2005; none of these judgements involve my department.

I thank you for the invitation to contribute to the review. While my department could provide limited input into the discussion on administrative justice, I look forward with interest to the Committee's finalised report on this area.

Yours sincerely

KEN SMITH
Director-General

Ref: 05/127851

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